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10/591,804

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J. Michael Lucas

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7590

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EXAMINER

BARNES-BULLOCK, CRYSTAL JOY

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

10/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|  |  |   |  |
|--|--|---|--|
| <p align="center"><b>Advisory Action</b><br/><b>Before the Filing of an Appeal Brief</b></p> | <p><b>Application No.</b><br/>10/591,804</p>         | <p><b>Applicant(s)</b><br/>LUCAS ET AL.</p> |  |
|  | <p><b>Examiner</b><br/>Crystal J. Barnes-Bullock</p> | <p><b>Art Unit</b><br/>2121</p>             |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Crystal J. Barnes-Bullock/  
Primary Examiner, Art Unit 2121

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 10 September 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the Spriggs et al. reference does not teach a graphic display having a parameter memory and a binding memory associated therewith, the Spriggs et al. reference discloses [t]he database module 80 includes a relational database 82 that is a repository for all configuration information as well as data collected by data acquisition devices 60. (See column 6 lines 11-13.) The system 10 includes both hardware-generated alarms and software-generated alarms. Hardware-generated alarms are specific to and evaluated by each individual hardware device. The results of these evaluations are returned to the system 10 for processing and display. Generally, hardware-generated alarms include over and under alarms that the user sets for a specific instrumentation such as monitoring system via the configuration utility module 202 and/or configuration object 150 to be explained infra. The software-generated alarms of the system 10 are comprised of level alarms, in-band and out-of-band alarms, acceptance region alarms, spectral band alarms, and parametric alarms that can be set on one or more variables. The user via the configuration utility module 202 including the configuration object 150 determines how these are set. (See column 10 lines 1-19.) The database 82 is preferably a high performance relational database that includes asset configuration, instrument configuration, compressed data, and non-compressed data. The database 82 is able to store streaming real time data from online data acquisition devices. It also stores periodic data from external data sources and portable data collectors. A key to the design of the system 10 is its ability to normalize these inputs into a predefined standard so it is easy for the database 82 to store data and for the display application to present data in a consistent manner regardless of its source. (See column 13 lines 3-13.) A configuration object 150 presents, via the graphical user interface 102, screens that show and allow the user to edit the configuration properties of any enterprise or instrument object. This view is linked to the instrument, enterprise and explorer views. Thus, from any object in the enterprise or instrument hierarchies or other view in the system 10, the user can view and edit the configuration properties for that location or instrument without leaving the currently selected navigated location (the point being worked on). (See column 22 lines 12-22.) The configuration module 202 includes the configuration object 150 and is operatively coupled to the configuration database 86 (the repository for all configuration properties for the system 10). The configuration object 150 handles displaying, editing and validating configuration data for any node in a configuration tree. The configuration object 150 also reads and writes this data to the configuration database 86. (See column 25 lines 45-52.) The configuration module 202 further includes an object store module 210 that provides interface pointers to the configuration objects, creates configuration objects and destroys configuration objects. This is the common interface for trees to communicate with one another. Additionally, object store module 210 builds the icon list that the trees and template toolbars use. (See column 27 lines 26-32.) A load and save module 242 interfaces between the configuration database 86 and both the object store 210 and the data acquisition module 20 for handling the locking, opening and closing of the configuration database 86. The load and save module 222 can also include a change log that lists the changes made during the configuration session, as well as the logged-in user who made them. Additionally, the load and save module 242 handles final save and cleanup of the configuration database 86. (See column 28 lines 43-51.)

The relational database 82 taught by the Spriggs et al. reads on the parameter memory taught by the present invention. The utility module 200 taught by the Spriggs et al. reference includes the configuration module 202 which includes the configuration object 150 and the object store module 210 among other objects. The configuration object 150 and the object store module 210 of the configuration utility module 202 taught by Spriggs et al. read on the reference and binding memory, respectively taught by the present application.